

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Revision No. 944 of 2025

Juvenile "X" through mother	... Petitioner
-Versus-	
The State of Jharkhand	... Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner	: Mr. Arvind Prajapati, Advocate
For the State	: Mrs. Amrita Kumari, A.P.P.

05/17.09.2025 Heard Mr. Arvind Prajapati, learned counsel appearing for the petitioner and Mrs. Amrita Kumari, learned counsel appearing for the State.

2. This criminal revision petition has been preferred for setting-aside the order dated 28.05.2024 passed by the learned Principal Magistrate, Juvenile Justice Board, Lohardaga in connection with Senha P.S. Case No.17 of 2024, corresponding to G.R. Case No.234 of 2024, registered for the offence under Section 376 of Indian Penal Code, whereby, the prayer for bail of the petitioner has been rejected. The further prayer is made for setting-aside the order dated 14.08.2024 passed by learned Additional Sessions Judge-I-cum-Special Judge, Children Court, Lohardaga in Cr. Appeal No.57 of 2024, whereby, the prayer for bail of the petitioner has been rejected and the order passed by the learned trial court has been affirmed.

3. Learned counsel for the petitioner submits that the petitioner is a juvenile and he was aged about 15 years and 6 months at the time of alleged crime. He submits that name of the petitioner has come only on the suspicion and nobody has seen the petitioner of taking away the sister of the informant. He submits that the petitioner is in remand home since 15.03.2024 and even there is no medical report, so far as the allegation of rape is concerned. He submits that the Social Investigation Report, which has been considered by

the learned Appellate Court is not against the petitioner and there is no adverse remark against the petitioner. He submits that the petitioner has nothing to do with the crime. He further submits the learned trial court has rejected the prayer for bail of the petitioner on the ground of gravity of the allegation and investigation is still pending and the prayer for bail of the petitioner has been rejected by the learned appellate court on the ground that if the bail is granted to the petitioner, there is every likelihood that he may be exposed to moral, physical or psychological danger. He also submits that one of the co-accused has also been granted bail by this Court in Criminal Revision No.367 of 2025. On these grounds, he submits that the bail may kindly be granted to the petitioner.

4. Learned counsel appearing for the State opposed the prayer and submits that the allegations are there against the petitioner and in view of that, the prayer for bail of the petitioner may kindly be rejected.

5. Admittedly the petitioner was aged about 15 years 06 months at the time of alleged occurrence. The allegation of rape is made against the petitioner. In para 110 of the case dairy, the medical report has been noted wherein it is stated that the sexual assault cannot be ruled out, however there is no definite doctor's opinion on that point.

6. The petitioner is being represented through his mother and the mother of the petitioner is ready to give any undertaking to the effect that the child will not be exposed to any moral, physical and phycological danger.

7. For rejecting the bail, three ingredients in light of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 are required to be considered, deals for bail to juveniles, i.e. (i) if there appears reasonable

grounds for believing that the release is likely to bring that person into association with any known criminal, or (ii) expose the said person to moral, physical or psychological danger, or, (iii) the person's release would defeat the ends of justice.

8. From Section 12 of the said Act, it also transpires that seriousness of the alleged offence or the age of the juvenile is also no relevant consideration for denial of bail above 16 years of age and is alleged to have committed a heinous offence is also entitled to get bail under Section 12 of the Act, 2015. There is no classification, whatsoever, provided in Section 12 of the Act, 2015 with regard to grant of bail. Section 12 of the Act is applicable to all juveniles in conflict with law without any discrimination of any nature.

9. In view of above discussions, the Court is satisfied that the reasoning and conclusion of the learned appellate court as well as Juvenile Justice Board to the effect that there is likelihood that the petitioner will come into the association of dreaded criminals and gravity of the offence and there is likelihood of moral, physical and psychological danger of the petitioner if released on bail not founded on reasonable grounds.

10. The gravity of allegation has not been properly appreciated and the mandatory provision of Section 12 of J.J. Act, 2015 as well as other provisions relating to the juvenile has declined to grant bail to the juvenile on the basis of unfounded apprehension. In the absence of any material or evidence of reasonable grounds, it cannot be said that his release would defeat the ends of justice and have failed to give reasons on three

contingencies for declining the bail to the revisionist. The findings recorded by the Juvenile Justice Board as well as appellate court are based on gravity of crime.

11. In view of the above facts, the order dated 28.05.2024 passed by the learned Principal Magistrate, Juvenile Justice Board, Lohardaga in connection with Senha P.S. Case No.17 of 2024, corresponding to G.R. Case No.234 of 2024 and the order dated 14.08.2024 passed by learned Additional Sessions Judge-I-cum-Special Judge, Children Court, Lohardaga in Cr. Appeal No.57 of 2024 are, hereby, set aside.

12. Since the revisionist is in observation home since 15.03.2024, he is directed to be released on bail via assurance and surety given by his natural guardian/mother in connection with Senha P.S. Case No.17 of 2024, corresponding to G.R. Case No.234 of 2024, after furnishing a personal bond of his mother with two sureties of her relative each in the like amount to the satisfaction of Juvenile Justice Board, Lohardaga subject to the following conditions: -

- (i) Natural guardian/mother will furnish an undertaking that upon release on bail the revisionist will not be permitted to go into contact or association with any known criminal or allowed to be exposed to any moral, physical, or psychological danger and further that the father will ensure that the juvenile will not repeat the offence.
- (ii) Natural guardian/mother will further furnish an undertaking to the effect that the juvenile will pursue his study at the appropriate level which he would be encouraged to do besides

other constructive activities and not be allowed to waste his time in unproductive and excessive recreational pursuits.

- (iii) Juvenile and natural guardian/mother will report to the Probation Officer on the first Monday of every calendar month commencing with the first Monday of October, 2025, and if during any calendar month the first Monday falls on a holiday, then on the following working day.
- (iv) The Probation Officer will keep a strict vigil on the activities of the juvenile and regularly draw up his social investigation report that would be submitted to the Juvenile Justice Board, Lohardaga on such a periodical basis as the Juvenile Justice Board may determine.

13. Accordingly, this criminal revision petition is disposed of in above terms.

Pending I.A., if any, stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated: 17th September, 2025
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